

Senate Bill No. 104

CHAPTER 478

An act to amend Sections 26602 and 41601 of the Government Code, and to add Sections 100106, 101029, and 101317.2 to, the Health and Safety Code, relating to public health.

[Approved by Governor October 4, 2005. Filed with
Secretary of State October 4, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 104, Ortiz. Public health orders: enforcement.

Existing law authorizes the Director of Health Services and local health officers to issue orders to enforce various health and safety requirements.

This bill would authorize local peace officers to enforce the orders of the State Department of Health Services and of local health officers issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and would authorize the state director and the local health officer to consider whether a request for enforcement assistance would necessitate advising regarding measures to be taken to prevent infection of enforcement officers when requesting assistance in enforcement of their orders.

Existing law establishes procedures and requirements to govern the allocation to, and expenditure by, local health jurisdictions of federal funding received for the prevention of, and response to, bioterrorist attacks and other public health emergencies. Existing law provides that these procedures apply only when local health jurisdictions are designated by a federal or state agency to manage the funds for public health preparedness and response to bioterrorist attacks and other public health emergencies, pursuant to a federally approved plan.

Existing law also provides that federal funding received by the State Department of Health Services for bioterrorism preparedness and emergency response is subject to appropriation in the annual Budget Act commencing with the 2003-04 fiscal year.

This bill would deem moneys made available in the 2004-05 Budget Act for bioterrorism preparedness available for expenditure and encumbrance until August 30, 2006.

The people of the State of California do enact as follows:

SECTION 1. Section 26602 of the Government Code is amended to read:

26602. The sheriff shall prevent and suppress any affrays, breaches of the peace, riots, and insurrections that come to his or her knowledge, and

investigate public offenses which have been committed. The sheriff may execute all orders of the local health officer issued for the purpose of preventing the spread of any contagious or communicable disease.

SEC. 2. Section 41601 of the Government Code is amended to read:

41601. For the suppression of riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, and for the execution of all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease, the chief of police has the powers conferred upon sheriffs by general law and in all respects is entitled to the same protection.

SEC. 3. Section 100106 is added to the Health and Safety Code, to read:

100106. Pursuant to Section 11158 of the Government Code, the sheriff of each county, or city and county, may enforce within the county, or the city and county, all orders of the State Department of Health Services issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, or city and county, may enforce within the area subject to his or her jurisdiction all orders of the State Department of Health Services issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. This section is not a limitation on the authority of peace officers or public officers to enforce orders of the State Department of Health Services. When deciding whether to request this assistance in enforcement of its orders, the State Department of Health Services may consider whether it would be necessary to advise the enforcement agency of any measures that should be taken to prevent infection of the enforcement officers.

SEC. 4. Section 101029 is added to the Health and Safety Code, to read:

101029. The sheriff of each county, or city and county, may enforce within the county, or the city and county, all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, or city and county, may enforce within the area subject to his or her jurisdiction all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. This section is not a limitation on the authority of peace officers or public officers to enforce orders of the local health officer. When deciding whether to request this assistance in enforcement of its orders, the local health officer may consider whether it would be necessary to advise the enforcement agency of any measures that should be taken to prevent infection of the enforcement officers.

SEC. 5. Section 101317.2 is added to the Health and Safety Code, to read:

101317.2. Notwithstanding any other provision of law, moneys made available in the 2004-05 Budget Act for bioterrorism preparedness shall be available for expenditure and encumbrance until August 30, 2006.

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